

## **REMARKS**

Applicants note that all amendments and cancellations of Claims presented herein are made without acquiescing to any of the Examiner's arguments or rejections, and solely for the purpose of expediting the patent application process in a manner consistent with the PTO's Patent Business Goals (PBG),<sup>1</sup> and without waiving the right to prosecute the amended or cancelled Claims (or similar Claims) in the future.

In the Office Action mailed February 18, 2009, the Examiner issued a number of rejections. Each of the rejections is discussed in detail below.

### **I. The Claims are Novel**

The Examiner rejects Claims 16 and 17 under 35 U.S.C. 102(e) as allegedly anticipated by Cao et al. (US2003/0233675; hereinafter Cao). In particular, the Examiner states "The claimed composition does not specify that the composition can only comprise the 20 nucleic acids of the formula, nor does it specify that the sequence is isolated." (Office Action, pg. 2). The Applicants respectfully disagree with the rejection. However, in order to further the business interests of the Applicants, and without acquiescing to any of the Examiner's arguments or rejections, and solely for the purpose of expediting the patent application process in a manner consistent with the PTO's Patent Business Goals (PBG), and without waiving the right to prosecute the cancelled claims (or similar claims) in the future, the Applicants have amended Claims 16 and 17 to specify that the nucleic acid is isolated and that the nucleic acid has the sequence of SEQ ID NO:1. Cao does not teach an isolated nucleic acid having the sequence of SEQ ID NO:1. As such, the Applicants submit that Cao does not teach all of the elements of the claims as required for rejection under 35 U.S.C. 102. Accordingly, the rejection should be withdrawn.

The Examiner further rejects Claims 1-19 under 35 U.S.C. 102(e) as allegedly anticipated by Rosen et al. (US2007/015271; hereinafter Rosen). In particular, the Examiner states "The claimed composition does not specify that the nucleic acid of the formula be isolated or only comprise the 20 nucleic acids of the formula." (Office Action, pg. 3). The Applicants

respectfully disagree with the rejection. However, in order to further the business interests of the Applicants, and without acquiescing to any of the Examiner's arguments or rejections, and solely for the purpose of expediting the patent application process in a manner consistent with the PTO's Patent Business Goals (PBG), and without waiving the right to prosecute the cancelled claims (or similar claims) in the future, the Applicants have amended Claims 1, 7, and 11 to specify that the nucleic acid is isolated and that the nucleic acid has the sequence of SEQ ID NO:1. Claims 16 and 17 have been amended (see above) and Claims 18-19 have been canceled for other reasons. Rosen does not teach an isolated nucleic acid having the sequence of SEQ ID NO:1. Rosen further does not teach a method for treating a skin disease, as recited by Claims 1, 7 and 11. As such, the Applicants submit that Rosen does not teach all of the elements of the claims as required for rejection under 35 U.S.C. 102. Accordingly, the rejection should be withdrawn.

## **II. The Claims are Directed to Statutory Subject Matter**

The Examiner rejects Claims 18 and 19 under 35 U.S.C. 101 as allegedly directed towards an improper process claim. The Applicants respectfully disagree with the rejection. However, in order to further the business interests of the Applicants, and without acquiescing to any of the Examiner's arguments or rejections, and solely for the purpose of expediting the patent application process in a manner consistent with the PTO's Patent Business Goals (PBG), and without waiving the right to prosecute the cancelled claims (or similar claims) in the future, the Applicants have canceled Claims 18-19. As such, the rejection is moot.

The Examiner further objects to Claims 18 and 19 as being substantial duplicates of each other. This rejection is moot in light of the cancellation of Claims 18 and 19.

## **III. The Claims are Enabled**

The Examiner rejects Claims 11-15 under 35 U.S.C. 112, first paragraph, as allegedly lacking Enablement. In particular, the Examiner states "the specification, while being enabling for a method of treating skin disease comprising administering to a subject in need thereof an effective amount of a . . . , does not reasonably provide enablement for a method of treating or preventing any skin disease." (Office Action, pg. 5). The Applicants respectfully disagree with the rejection. However, in order to further the business interests of the Applicants, and without

acquiescing to any of the Examiner's arguments or rejections, and solely for the purpose of expediting the patent application process in a manner consistent with the PTO's Patent Business Goals (PBG), and without waiving the right to prosecute the cancelled claims (or similar claims) in the future, the Applicants have amended claim 11 to recite a method of treating a skin disease. As the Examiner has indicated that such embodiments are enabled (e.g., Office Action, pg. 5), the Applicants respectfully request that the rejection be withdrawn.

The Applicants have added new claims 20 and 21, which are dependent on Claim 11. Support for these claims can be found throughout the specification, in particular on pages 11-12 and Example 5.

### **CONCLUSION**

If a telephone interview would aid in the prosecution of this application, the Examiner is encouraged to call the undersigned collect at (618) 218-6900.

Respectfully submitted,

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